

California Unemployment Insurance Appeals Board

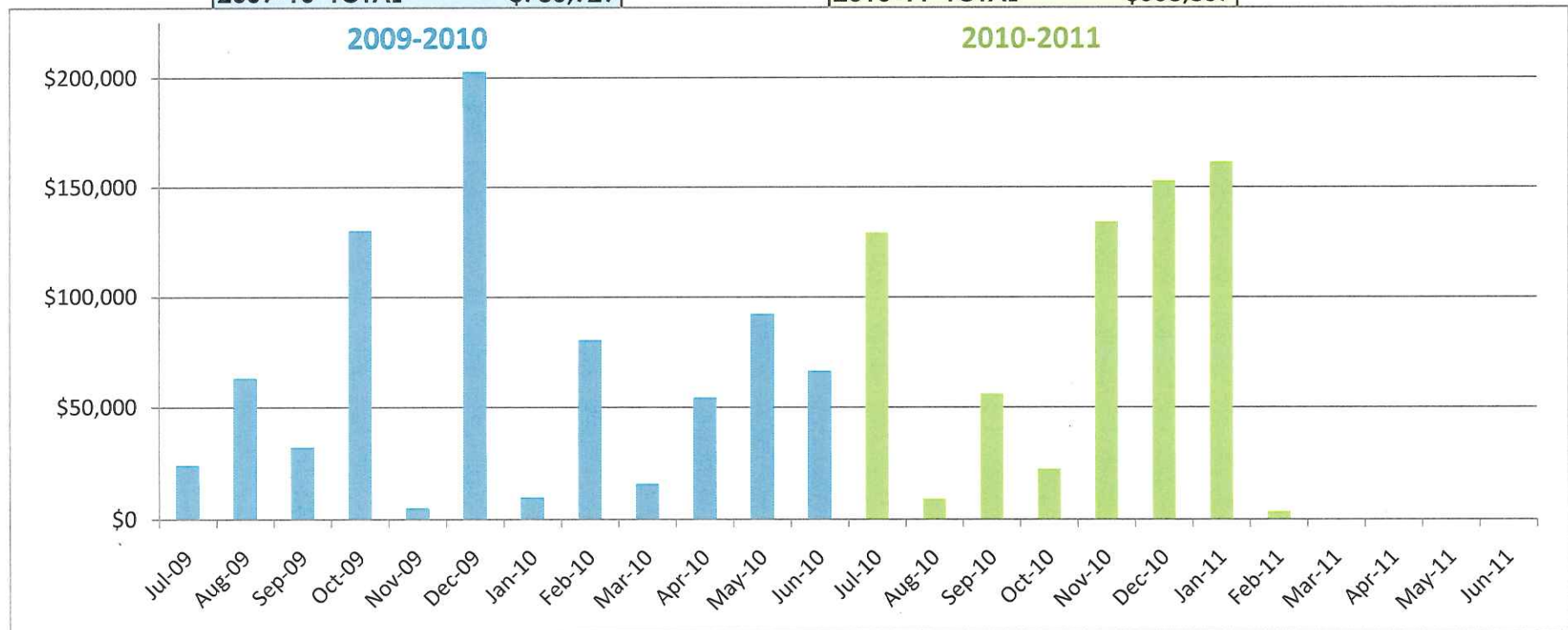
**WORKFORCE RETIREMENT ELIGIBILITY AND LIABILITY**

CLASS	AGE	50 - 59	60 - 69	70 - 79	80 +	TOTAL	EE %
PALJs	no. ees	1	4	1	1	7	8%
	cost	\$14,817	\$365,444	\$57,750	\$129,160	\$ 567,171	
ALJs	no. ees	11	27	1	1	40	43%
	cost	\$580,492	\$1,433,852	\$82,435	\$34,050	\$ 2,130,828	
LSSs	no. ees	10	4			14	15%
	cost	\$192,911	\$104,322			\$ 297,233	
Support Staff	no. ees	13	11			24	26%
	cost	\$130,856	\$149,913			\$ 280,769	
Service Branches	no. ees	6	2			8	9%
	cost	\$235,791	\$47,303			\$ 283,093	
<b>Total Employees</b>	no. ees	<b>41</b>	<b>48</b>	<b>2</b>	<b>2</b>	<b>93</b>	
<b>Total Liability</b>	cost	<b>\$1,154,865</b>	<b>\$2,100,834</b>	<b>\$140,184</b>	<b>\$163,210</b>	<b>\$ 3,559,093</b>	
<b>Percentage</b>	%	<b>32%</b>	<b>59%</b>	<b>4%</b>	<b>5%</b>		

**LUMP SUM PAYOUTS**

<b>2009-2010</b>	
Jul-09	\$24,037
Aug-09	\$63,287
Sep-09	\$31,979
Oct-09	\$130,203
Nov-09	\$5,247
Dec-09	\$206,588
Jan-10	\$9,925
Feb-10	\$80,551
Mar-10	\$15,788
Apr-10	\$54,522
May-10	\$92,217
Jun-10	\$66,585
<b>2009-10 TOTAL</b>	<b>\$780,929</b>

<b>2010-2011</b>	
Jul-10	\$129,175
Aug-10	\$9,197
Sep-10	\$56,208
Oct-10	\$22,284
Nov-10	\$134,065
Dec-10	\$152,846
Jan-11	\$161,543
Feb-11	\$3,539
Mar-11	
Apr-11	
May-11	
Jun-11	
<b>2010-11 TOTAL</b>	<b>\$668,857</b>



## 5050 Withdrawal and Reinstatement

- (a) An appellant or petitioner may apply to withdraw an appeal or petition before the decision of the administrative law judge is served.
- (b) Upon such an application, as administrative law judge shall order the appeal or petition dismissed.
- (c) An applicant may apply to withdraw an application for reinstatement, reopening or vacating a decision before the order of the administrative law judge on the application is served.
- (d) Upon such an application to withdraw, an administrative law judge shall order the application for reinstatement, reopening, or vacating dismissed.
- (e) The appellant, petitioner, or applicant may file an application for reinstatement within 20 days after service of an order dismissing an appeal, petition or application due to withdrawal. The application shall specify the reason for reinstatement. If the application is untimely, it shall also specify the reason for the delay.
- (f) If the application fails to specify the reason for reinstatement ~~or, if applicable, for its~~, an administrative law judge may **order reinstatement denied. Alternatively, an administrative law judge may** serve notice requiring the application to specify the reason by filing it within 10 days after service of such notice. If the applicant fails to comply, an administrative law judge may order reinstatement denied.
- (g) If the reason specified by the applicant show that there is no good cause for reinstatement, ~~or, if applicable, for the untimely application~~, an administrative law judge may order reinstatement denied.
- (h) An application for reinstatement that is not otherwise denied in accordance with this rule shall be scheduled for hearing. If the applicant shows good cause for reinstatement, ~~and, if applicable, for the untimely application~~, the appeal or petition shall be ordered reinstated; otherwise reinstatement shall be ordered denied.
- (i) If an applicant for reinstatement fails to appear in the hearing on reinstatement, an administrative law judge may order reinstatement denied.
- (j) **An order granting reinstatement is appealable to the board only upon service of an adverse order or decision on the appeal or petition.**



- (a) The appellant, petitioner, or applicant may file an application to reopen the appeal, petition or application within 20 days after service of an order:
- (i) Dismissing an appeal or petition on any of the grounds specified in rule 5066;
  - (ii) Denying an application for reinstatement, ~~or reopening, or vacating a decision for failure to specify the reason for the application or, if applicable, the reason the application is untimely,~~ or for failure to comply with a 10 day notice to specify the reason for the application or, if applicable, the reason the application is untimely;
  - (iii) Denying an application for reinstatement, ~~or reopening, or vacating a decision~~ for failure to appear in the hearing on such an application;
  - (iv) Dismissing an untimely petition for failure to comply with a 20 day notice to specify the reason the petition is untimely; or,
  - (v) Denying a hearing on a petition for failure to apply for a hearing within 20 days after service of a notice of intention to render a decision or order on the petition without a hearing.
  - (vi) ~~Denying a hearing on an appeal for failure to apply for a hearing within 10 days after service of a notice of intention to render a decision or order on the appeal without a hearing.~~
- ~~(b) The application shall specify the reason for reopening. If the application is untimely, it shall also specify the reason for the delay.~~
- (c) If the application fails to specify the reason for reopening, ~~or, if applicable, for,~~ an administrative law judge may order reopening denied. Alternatively, an administrative law judge may serve notice requiring the applicant to specify the reason by filing it within 10 days after service of such notice. If the applicant fails to comply, an administrative law judge may order reopening denied.
- (d) If the reason specified by the applicant shows that there is no good cause for reopening, ~~or, if applicable, for the untimely application,~~ an administrative law judge may order reopening denied.
- (e) An application for reopening that is not otherwise denied, or processed as a board appeal in accordance with this rule shall be scheduled for hearing. If the applicant shows good cause for reopening, ~~and, if applicable, for the untimely application,~~ the matter shall be ordered reopened; otherwise reopening shall be denied.
- (f) If an applicant for reopening fails to appear in the hearing on reopening, an administrative law judge may order reopening denied.
- (g) If a party that has grounds to file an application to reopen pursuant to subsection (a)(i), (a)(iv), (a)(v), or (a)(vi), files what purports to be a board appeal, it shall be treated as an application to reopen, unless the application or the party clearly states to the contrary.

- (h) If a party files an application to reopen pursuant to subsections (a) (ii)-(iii), or files what purports to be a board appeal, it shall be treated as a board appeal , unless the application provides grounds to find good cause for reopening.
- (i) An applicant may file a board appeal in accordance with rule 5008 to the order denying an application to reopen within 20 days after service of the order. An order granting reopening is appealable to the board only upon service of an adverse decision or order on the appeal or petition.

3/16/11

- (a) If a party fails to appear in any day of a hearing and an administrative law judge issues a decision on the merits adverse to that party's interest, the party may file an application to vacate the decision within 20 days after service of the decision. The application shall specify the reason for vacating the decision. ~~If the application is untimely, it shall specify the reason for the delay.~~
- (b) If the application fails to specify the reason for vacating the decision, ~~or, if applicable, for,~~ an administrative law judge **may order the application to vacate the decision denied. Alternatively, an administrative law judge** may serve notice requiring the applicant to specify the reason by filing it within 10 days after service of such notice. If the applicant fails to comply, an administrative law judge may order the application to vacate the decision denied.
- (c) If the reason specified by the applicant shows that there is no good cause for vacating the decision, ~~or, if applicable, for the untimely application,~~ an administrative law judge may order the application to vacate the decision denied.
- (d) An application to vacate a decision that is not otherwise denied in accordance with this rule shall be scheduled for hearing. If the applicant shows good cause for vacating the decision, ~~and, if applicable, for the untimely application,~~ the decision shall be ordered vacated; otherwise the application to vacate the decision shall be ordered denied.
- (e) If an applicant fails to appear in the hearing on an application to vacate a decision, an administrative law judge may order the application denied.
- (f) If a party that has grounds to file an application to vacate a decision files what purports to be a board appeal, it shall be treated as an application to vacate the decision, unless the application or the party clearly states to the contrary.
- (g) ~~Upon service of an order denying an application to vacate a decision, the applicant shall be deemed to have filed a board appeal of the denial of the application to vacate, and also of the original adverse decision which was the subject of the application to vacate.~~
- (h) **To obtain review of the order denying the application to vacate and the adverse administrative law judge decision on the merits, an applicant must file a board appeal in accordance with rule 5008 within 20 days after service of the order denying the application to vacate.**
- (i) An order vacating a decision is appealable to the board only upon service of an adverse decision or order on the appeal or petition.

5071 Untimely Documents Filed Before an Administrative Law Judge (new)

- (a) Any untimely application or petition filed before an administrative law judge, including but not limited to an application to reopen pursuant to rule 5067, an application for reinstatement pursuant to rule 5050, or an application to vacate a decision pursuant to rule 5068, shall specify the reason for the delay.
- (b) If an untimely application or petition fails to specify the reason for the delay, the administrative law judge may deny the application or petition. Alternatively, the administrative law judge may serve notice requiring the filing party to specify the reason for the delay by filing and serving the reason within 10 days after service of such order. If the party that filed the untimely document fails to comply with such notice, the administrative law judge may deny the application or petition.
- (c) If the reason specified by the applicant shows that there is no good cause for the untimely application or petition, an administrative law judge may order the application or petition denied.
- (d) An untimely application or petition that is not otherwise denied in accordance with this rule shall be scheduled for hearing. If the party that filed the untimely application or petition shows good cause for the delay, the application or petition shall be accepted and the administrative law judge shall proceed to a decision on the merits of the application or petition. If good cause is not shown, the application or petition shall be denied.
- (e) If an applicant fails to appear in the hearing on the untimely application or petition, an administrative law judge may deny the application or petition.
- (f) An order denying an untimely application or petition may be appealed in accordance with rule 5008 within 20 days after service of the order. An order granting an untimely application or petition may only be appealed upon service of an adverse decision on the merits of the application or petition.

(3-18-11)

#### 5072. Decision or Order on Appeal Without Hearing

On his or her own motion, or on the application of a party, an administrative law judge may serve notice of intention to render a decision or order on an appeal without a hearing. Within 10 days after service of such a notice, any party may file and serve an application for a hearing. A hearing shall be granted upon such an application. If no such application is filed and served within that time, an administrative law judge may proceed to render a decision or order on the appeal without a hearing. The evidence of record in the proceeding and matters officially noticed in the proceeding shall be identified in the audiovisual record or the case register.



#### 5103 WITHDRAWAL AND REINSTATEMENT OF BOARD APPEAL

- (a) A Board appellant may file an application to withdraw a board appeal before the board decision is served.
- (b) Upon receipt of such an application, the board shall order the board appeal dismissed.
- (c) The board appellant may file and serve an application for reinstatement of the board appeal within 20 days after service of such a dismissal order. The application shall specify the reason for reinstatement. If the application is untimely, it shall also specify the reason for the delay.
- (d) Within 10 days after service of an application for reinstatement of a board appeal, any other party may file and serve a response to it.
- (e) If the application fails to specify the reason for reinstatement, or, if applicable, for its untimeliness, the board may **order the application denied. Alternatively, the board may** serve notice requiring the applicant to specify the reason by filing and serving it within 10 days after service of such notice. If the applicant fails to comply, the board may order reinstatement denied.
- (f) Within 10 days after service of such a specification of a reason, any other party may file and serve a response to it.
- (g) If the applicant shows good cause for reinstatement, and, if applicable, for the untimely application, the board appeal shall be ordered reinstated; otherwise reinstatement shall be ordered denied.

## 5104 Untimely Documents

- (a) Any untimely document filed in a proceeding before the board, including an untimely board appeal, shall specify the reason for the delay.
- (b) If an untimely document fails to specify the reason for the delay, the board may **dismiss the board appeal or deny acceptance of a document. Alternatively, the board may** serve notice requiring the party that filed it to specify the reason for the delay by filing and serving the reason within 10 days after service of such order. If the party that filed the untimely document fails to comply with such a notice, the board may order an untimely board appeal dismissed, or may deny late filing or service of any other untimely document.
- (c) Within 10 days after service of such a specification of a reason, any other party may file and serve a response to it.
- (d) If the party that filed an untimely document shows good cause for the delay, the untimely document shall be allowed **or the board appeal accepted**; otherwise an untimely board appeal shall be **shall be** ordered dismissed, or late filing or service of any other untimely document shall be denied.

(2-01-11)